

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT CARTER,

Plaintiff,

-against-

NITE CORPORATION d/b/a QUALITY  
COURIERS, NBO PROFESSIONAL SERVICES  
INC., TEHSIN ABBASI, and NIELS OEGES,

Defendants.  
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No. 19 Civ. 4511 (PMH)

STIPULATION OF  
DISMISSAL WITHOUT  
PREJUDICE

**WHEREAS**, during a telephonic conference with this Court held on May 19, 2020, Plaintiff's counsel confirmed that the Parties are arbitrating and mediating their disputes before the American Arbitration Association ("AAA");

**WHEREAS**, the Parties wish to continue this matter before the AAA and to dismiss this Action without prejudice; and

**WHEREAS**, the Parties agree that for statute of limitations purposes, Plaintiff Robert Carter's claims against Defendants before the AAA are considered filed as of May 16, 2019, the date he commenced this Action before this Court (ECF No. 1);

**NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by and between the Parties, through their undersigned counsel of record, as follows:

- 1) this Action is hereby dismissed without prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure;
- 2) for purposes of the Parties' proceedings before the AAA, including but not limited to mediation and arbitration, Plaintiff's wage-and-hour claims are considered filed against Defendants on May 16, 2019, the date he commenced this Action; and
- 3) the Parties may sign this Stipulation electronically and in counterparts, with all counterparts together constituting one and the same document.

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SO ORDERED.

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Honorable Philip M. Halpern  
United States District Judge

Dated: New York, New York

\_\_\_\_\_, 2020